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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 DAVID OWEN HOOPER,)
12 Petitioner,) 3:10-CV-00566-ECR-VPC
13 vs.)
14 ELDON K. McDANIEL, et al.,) ORDER
15 Respondents.)
16 _____/

17 The petitioner has filed an application to proceed *in forma pauperis* (#1) and submitted
18 a petition for writ of habeas corpus (docket #1-1).

19 The petitioner's application to proceed *in forma pauperis*, including the financial
20 certificate, establishes that the petitioner qualifies for *in forma pauperis* status. He shall be granted leave
21 to proceed *in forma pauperis*, and shall not be required to pay the filing fee for his habeas corpus
22 petition. The petition will be ordered filed and docketed.

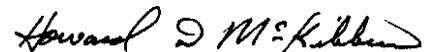
23 A review of the petition demonstrates that it must be dismissed, as the relief sought and
24 the actions complained of do not lie in habeas. 28 U.S.C. § 2254 provides that the federal court shall
25 entertain an application for a writ of habeas corpus on behalf of a person in custody pursuant to the
26 judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws

1 or treaties of the United States. A petition for writ of habeas corpus seeks the release of the petitioner
2 from the burdens of such a conviction on the grounds that the conviction or sentence violates some right
3 guaranteed by the laws of the United States. This petition, which is incomprehensible and nonsensical,
4 does not seek such relief and does not attack such a conviction. The petition shall be dismissed.

5 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*
6 *pauperis* (docket #1) is **GRANTED**. Petitioner shall not be required to pay a filing fee to file his habeas
7 corpus petition.

8 **IT IS FURTHER ORDERED** that the Clerk shall **file and docket** the petition which
9 is **DISMISSED**. No Certificate of Appealability shall issue. The Clerk shall enter judgment
10 accordingly.

11 Dated this 22nd day of September, 2010.

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13 UNITED STATES DISTRICT JUDGE
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